

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Christopher Greeff and Sasha Greeff,  
Plaintiffs,

-against-

M-2704X  
Index No. 113132/11

Redeemer Presbyterian Church,  
et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 31, 2014,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 8, 2015, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzaelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

American Zurich Insurance Company,  
et al.,  
Plaintiffs-Respondents,

-against-

Trans-Packers Services Corporation,  
Defendant-Respondent-Appellant,

-and-

Selective Insurance Company of America  
and Selective Way Insurance Company,  
Defendants-Appellants-Respondents,

M-2616  
Index No. 107163/10

-and-

The Wornick Company,  
Defendant,

-and-

Franklin Farms East, Inc.,  
Intervenor-Respondent.

-----X

An appeal and cross appeal having been taken from an order and judgment of the Supreme Court, New York County, entered on or about October 16, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated May 6, 2015, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the February 2015 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
In the Matter of a Proceeding for  
Custody and/or Visitation Under  
Article 6 of the Family Court Act.

Tiffany C.,  
Petitioner-Respondent,

**M-2372**  
Docket No. V-23857/13/14B

-against-

Michael C.,  
Respondent-Appellant.

-----  
Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Child.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about February 19, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Israel P. Inyama, Esq., 244 Fifth Avenue, Suite 2582, New York, NY 10001, Telephone No.

(646) 595-9090, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;<sup>1</sup> **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



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CLERK

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<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
In the Matter of a Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

Jennifer S.,  
Petitioner-Appellant,

**M-2177**  
Docket No. O-44883/14

-against-

Jurek W.,  
Respondent-Respondent.

-----  
Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Child.

-----X  
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about April 16, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, New York 10601, Telephone No. (914) 949-8214, as counsel for purposes of

prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;<sup>1</sup> **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



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CLERK

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<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

In the Matter of

Demetrius R.,  
and Kassandra C.,

Children Under 18 Years of Age Alleged  
to be Abused and/or Neglected Under  
Article 10 of the Family Court Act.

**M-2178**  
Docket Nos. NN-50228/13  
NN-50227/13

-----  
Commissioner of Social Services of the  
City of New York,  
Petitioner-Respondent,

Elsie R.,  
Respondent-Appellant.

-----  
Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Fact-Finding of the Family Court, New York County, entered on or about June 18, 2014 and from an Order of Disposition of said Family Court, entered on or about January 22, 2015, for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, New York 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;<sup>1</sup> **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X

In the Matter of

Akiko Miami-Lyn A.,  
also known as Baby Girl A.,

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

**M-2140**  
Docket No. B-19421/13

-----  
The Children's Aid Society and  
The Commissioner of the Administration  
for Children's Services of the City  
of New York,  
Petitioners-Respondents,

Ann Althea A.,  
Respondent-Appellant.

-----  
Seymour W. James, Jr., Esq.,  
The Legal Aid Society,  
Juvenile Rights Division,  
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of fact-Finding of the Family Court, Bronx County, and an Order of Disposition of said Family Court, both entered on or about February 13, 2015, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite #412, White Plains, New York 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;<sup>1</sup> **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
In the Matter of

Baby Boy B.,  
also known as  
Isaiah B.,

**M-2201**  
Docket No. B-1539/13

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

-----  
The Children's Aid Society and The Commissioner of Social Services,  
Petitioners-Respondents,

Eddie M.,  
Respondent-Appellant.

-----  
Neil D. Futerfas, Esq.,  
Attorney for the Child.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about February 19, 2015, for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lewis Calderon, Esq., 153-01 Jamaica Avenue, Suite #201, Jamaica, NY 11432, Telephone No. (718) 883-1560, as counsel for purposes of prosecuting the

appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor;<sup>1</sup> **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-2232, decided simultaneously herewith.)

ENTER:



CLERK

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<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
In the Matter of

Baby Boy B.,  
also known as  
Isaiah B.,

**M-2232**  
Docket No. B-1539/13

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

-----  
The Children's Aid Society and The Commissioner of Social Services,  
Petitioners-Respondents,

Eddie M.,  
Respondent-Appellant.

-----  
Neil D. Futerfas, Esq.,  
Attorney for the Child.

-----X  
Beatrice Mayol, Esq., Family Court attorney for the subject child Baby Boy B., also known as Isaiah B., having moved on said child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about February 19, 2015, for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and

§1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 552-6076, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. (See M-2201, decided simultaneously herewith.)

ENTER:



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CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzaelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-1913  
Ind. No. 1050/91

Kelvin Haywood,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Ross, J.) entered on or about March 31, 2015, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Ross as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on June 23, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

**M-1751**  
Ind. No. 2593/02

L.A. Lewis,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Solomon, J.), entered on or about April 16, 2015, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Solomon as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-1979  
Ind. No. 5206/12

Jackie Barcliff,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Hon. Eduardo Padro, J.) entered on or about April 16, 2015, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Padro as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Seymour W. James, Jr., Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Dieudonne Muboyayi,  
Plaintiff-Appellant,

-against-

**M-1867**

Index No. 20450/13

Monica Quintero, et al.,  
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about August 1, 2014 and on or about November 7, 2014, respectively,

And plaintiff-appellant having moved for an enlargement of time to perfect the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of sua sponte, consolidating the aforesaid appeals. The appellant is permitted to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering the appeals. The time to perfect the consolidated appeals is enlarged to the October 2015 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Leland G. DeGrasse  
Barbara R. Kapnick, Justices.

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse Litigation Index No. 771000/10  
-----

Marina Harss, et al., M-1513  
Plaintiffs, M-1517  
M-1514

-against-

Index No. 150152/09

Leon D. DeMatteis Construction Corp.,  
Defendant-Appellant,

-and-

Branch Radiographic Labs, Inc.,  
Defendant-Respondent,

-and-

1765 First Associates, LLC, et al.,  
Defendants.

-----X  
Sorbara Construction Corp.,  
Third-Party Plaintiff,

-against-

The City of New York and The City of New  
York Department of Buildings,  
Third-Party Defendants.

-----X

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse Litigation  
- - - - -

Vincent Podlaski,  
Plaintiff,

-against-

DeMatteis Construction Corp.,  
Defendant-Appellant,

Index No. 150166/09

-and-

Branch Radiographic Labs, Inc.,  
Defendant-Respondents,

-and-

1765 First Associates, LLC, et al.,  
Defendants.

-----X  
Sorbara Construction Corp.,  
Third-Party Plaintiff,

-against-

The City of New York and The City of New  
York Department of Buildings,  
Third-Party Defendants.

-----X  
In Re: 91<sup>st</sup> Street Crane Collapse Litigation  
- - - - -

Joe Conneely, et al.,  
Plaintiffs,

-against-

Leon D. DeMatteis Construction Corp.,  
Defendant-Appellant,

Index No. 111980/09

-and-

Branch Radiographic Labs, Inc.,  
Defendant-Respondent,

-and-

The City of New York, et al.,  
Defendants.

-----X

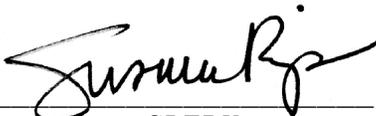
Appeals having been taken from three separate orders of the Supreme Court, New York County, entered on or about July 21, 2014, under Index Nos. 111980/09, 150152/09 and 150166/09,

And defendant-appellant Leon D. DeMatteis Construction Corp., having moved separately for an enlargement of time to perfect the aforesaid appeals and for consolidation of said appeals (M-1513/M-1517/M-1514),

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated May 6, 2015,

It is ordered that the motions are granted to the extent of withdrawing the aforesaid motions.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT - Hon: Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X  
Dorcas Hackshaw, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-1715  
Index No. 190022/13

ABB, Inc., etc., et al.,  
Defendants,

Crane Co.,  
Defendant-Appellant.  
-----X

Appeals having been taken from the judgments of the Supreme Court, New York County, entered on or about February 19, 2015 and March 11, 2015, respectively,

And defendant-appellant having moved for an order consolidating the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeals to be timely filed from the judgment entered on or about March 11, 2015.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
David B. Saxe  
Darcel D. Clark, Justices.

-----X

In the Matter of the Application of

Vernon Sharp III,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 of the CPLR. M-1791  
Index. No. 400944/14

-against-

Richard Mantellino, etc., et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 28, 2015, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, with leave to renew upon submission of a properly filed and served notice of appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X  
The People of the State of New York  
ex rel. Gilberto Diaz,

Petitioner,

M-1670

Ind. No. 453/11

-against-

Monica Windle, Deputy Warden, etc.,

Respondent.  
-----X

The above-named petitioner having moved for a writ of habeas corpus to be issued from this Court, and related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the application for the writ is hereby granted, and it is further

Ordered that the matter is transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007, for the issuance of said writ and service by mail upon the respective parties.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of

Kapil J.,  
Petitioner-Appellant,  
  
-against-

**CONFIDENTIAL**  
M-1631  
M-1656  
Docket No. V-37612/14

Ning G.,  
Respondent-Respondent.

-----X

Ning G.,  
Petitioner-Respondent.  
  
-against-

Docket No. V-42260/14/14A

Kapil J.,  
Respondent-Appellant.

-----X

Appeals having been taken from orders of the Family Court, New York County, entered on or about December 23, 2014, and from an order of the same Court and Justice entered on or about June 27, 2014,

And petitioner-appellant having moved to stay all proceedings, pending hearing and determination of the aforesaid appeals (M-1656),

And petitioner-appellant having moved separately for an enlargement of time to perfect the aforesaid appeals (M-1631).

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon, it is

Ordered that the motions are denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT - Hon: Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X  
Sagent Advisors,  
Plaintiff,

-against-

M-1769  
Index No. 653644/11

Sallyport Global Holdings Inc.,  
Defendant.

-----X  
Sallyport Global Holdings Inc.,  
Third-Party Plaintiff-Respondent,

-against-

Thomas W. Charron, Jr., individually  
and as Trustee of the Thomas W. Charron,  
Jr., Grantor Retained Annuity Trust  
Dated July 8, 2010,  
Third-Party Defendants-Appellants.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about July 21, 2014 (mot. seq. no. 008) and from the judgment of said Court entered on or about October 31, 2014, respectively,

And third-party defendant-appellant Thomas W. Charron, Jr. having moved for an order consolidating the appeals, and for an enlargement of time to perfect the consolidated appeals,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal from the order entered July 21, 2014 (mot. seq. no. 008), subsumed in the appeal from the judgment of said Court entered on or about October 31, 2014,

The time to perfect the appeal is enlarged to the November 2015 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT - Hon: Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-1766  
Index No. 9148/89

"J. G.",  
Defendant-Appellant.

-----X

An appeal having been taken from order of the Supreme Court, Bronx County, entered on or about July 3, 2014,

And defendant-appellant having moved for an order granting his application to have his appeal heard anonymously,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted. Sua sponte, defendant-appellant is directed to replace the cover of the briefs currently on file with this Court with covers containing the abbreviated caption.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT - Hon: Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of William Penn as  
Administrator of the Estate of  
Stanley Penn, Deceased,  
Petitioner-Respondent,

-against-

M-1890  
File No. 2188/10

J.D. Smith,  
Respondent-Appellant.  
-----X

An appeal having been taken from the order of the Surrogate's Court, New York County, entered on or about March 9, 2015,

And respondent-appellant having moved for leave to prosecute the appeal as a poor person, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of the Surrogate's Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant or appellant's counsel if any, the cost thereof to be charged against the City of New York from funds available therefor. The motion is otherwise denied, without prejudice to raising any of the issues during hearing of the appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT : Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Richard T. Andrias  
Karla Moskowitz  
Darcel D. Clark, Justices.

-----X  
Loreley Financing (Jersey) No. 3,  
Limited and Loreley Financing (Jersey)  
No. 18, Limited,  
Plaintiffs-Appellants,

-against-

Morgan Stanley & Co. Incorporated,  
et al.,  
Defendants-Respondents.

M-2411  
M-2412  
Action No. 1  
Index No. 653316/12

-----X  
Loreley Financing (Jersey) No. 3,  
Limited and Loreley Financing (Jersey)  
No. 18, Limited,  
Plaintiffs-Appellants,

-against-

Morgan Stanley & Co. Incorporated,  
et al.,  
Defendants-Respondents

Action No. 2  
Index No. 651633/14

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about October 9, 2014 in the above-mentioned actions said appeals having been perfected,

And defendants-respondents having moved to strike the reply briefs filed by plaintiff-appellant in Action No. 1 (Index No. 653316/12) [M-2411], and by separate motion for the same relief in Action No. 2 (Index No. 651633/14) [M-2412],

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon,

It is ordered that the motions are denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X

Barton Mark Perl binder and Stephen  
Perl binder,

Plaintiffs-Appellants,

-against-

Board of Managers of the 41 East 53<sup>rd</sup>  
Street Condominium,  
Defendant-Respondent.

-----X

M-2378

M-2308

Index No. 654039/13

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 10, 2014, and said appeal having been perfected,

And plaintiffs-appellants having moved for leave to file a supplemental record on appeal (M-2378),

And defendant-respondent having cross-moved for an order striking parts of plaintiffs-appellants' reply brief (M-2308),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon, it is

Ordered that plaintiffs-appellants' motion is granted to the extent of permitting plaintiffs to file, on or before July 13, 2015, a supplemental record on appeal containing plaintiff-appellant's Barton Mark Perl binder's September 30, 2014 deposition and otherwise denied (M-2378). Defendant-respondent's cross motion is granted to the extent of deeming those portions of plaintiffs' reply brief which refer to non-party Lavon's March 16, 2015 deposition (Reply Br., pp. 6-7) stricken and otherwise denied (M-2308).

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Richard T. Andrias  
Sallie Manzanet-Daniels  
Barbara R. Kapnick, Justices.

-----x  
Lew Nussberg, also known as Lev Nussberg,  
Plaintiff-Appellant,

-against-

M-2180  
Index No. 650741/09

Gary Tatintsian, et al.,  
Defendants-Respondents.

-----x

Appeals having been taken to this Court from an order of the Supreme Court New York County, entered on or about June 23, 2014, and said appeal having been perfected, and from a judgment of the same Court and Justice, entered on or about November 12, 2014, respectively,

And defendants-respondents having moved for consolidation of the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of adjourning the perfected appeal from the June 23, 2014 order to the October 2015 Term. Defendants are directed to perfect their appeal from the November 12, 2014 judgment for said October 2015 Term. Clerk directed to place appeals for hearing on the same day of said Term, if so perfected.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT : Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
Henry F. Owsley, III,  
Plaintiff-Respondent,

-against-

M-2425  
Index No. 350238/00

Danica Cordell-Reeh,  
Defendant-Appellant.

-----X

Consolidated appeals having been taken from the orders of the Supreme Court, New York County, entered on or about December 10, 2012 (mot. seq. nos. 017-018), June 17, 2013 (mot. seq. nos. 019-020) and September 12, 2013 (mot. seq. no. 022), respectively, and said consolidated appeals having been perfected,

And defendant-appellant having moved to consolidate the appeal taken from the order of the Supreme Court, New York County, entered on or about June 12, 2014 (mot. seq. no. 24) with the aforesaid perfected consolidated appeals,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted solely to the extent directing defendant to file, as an exhibit to the appeal, 9 copies of Exhibit C to the main motion papers in a sealed envelope, without prejudice to issues on appeal and otherwise denied. Sua sponte the perfected appeal is adjourned to the October 2015 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
Anthony Corrado,  
Plaintiff-Respondent,

-against-

M-2307  
Index No. 102002/10

Metropolitan Transit Authority,  
Metro North Commuter Railroad,  
Defendants-Appellants-Respondents,

Savage Services Corporation, Canac  
Railway Services Inc. and Canac Inc.,  
Defendants-Appellants-Respondents.  
-----X

Defendants-appellants-respondents Metropolitan Transit Authority and Metro North Commuter Railroad having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 30, 2014 (mot. seq. no. 003), and said appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Dianne T. Renwick  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Paul G. Feinman, Justices.

-----X  
Zelouf International Corporation,  
Petitioner-Appellant,

-against-

M-2389  
Index No. 653652/13

Nahal Zelouf,  
Respondent-Respondent.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 18, 2015 (mot. seq. no. 008),

And petitioner-appellant having moved for an order staying enforcement of the aforesaid order and judgment pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Sallie Manzanet-Daniels  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----X

Christopher Bent,  
Plaintiff-Respondent,

-against-

Sears, Roebuck & Co., et al.,  
Defendants-Appellants.

-----X

M-2110  
M-2111  
Index No. 114565/09

Defendant-appellant Sears, Roebuck & Co. having moved for reargument of [M-2110] or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 16, 2015 (Appeal No. 14827) [M-2111],

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motions are denied [M-2110/M-2111].

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Darcel D. Clark  
Barbara R. Kapnick, Justices.

-----X  
In the Matter of the Application of  
Tyshema Basnight, Trinity Smith and  
Tristan Smith,  
Petitioners-Appellants,

For a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules

M-1853  
Index No. 400274/14

-against-

New York City Housing Authority,  
Respondent-Respondent.  
-----X

Petitioners-appellants having moved for a stay of a certain holdover proceeding pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 23, 2014,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted on condition the appeal is perfected on or before July 13, 2015 for the September 2015 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
David B. Saxe  
Rosalynd H. Richter, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2251  
Ind. No. 4184/08

Michael Service,

Defendant-Appellant.

-----X

Defendant-appellant pro se having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 31, 2015 (Appeal No. 14649),

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant-appellant sworn to on May 28, 2015, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
David B. Saxe  
Sallie Manzanet-Daniels  
Judith J. Gische, Justices.

-----X  
In the Matter of the Application of  
Isabel Videa,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules,

M-2371  
Index No. 400525/13

-against-

New York City Housing Authority,  
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about September 27, 2013,

And an order of this Court having been entered on April 9, 2015 (M-979) granting respondent's motion to dismiss the aforesaid order for failure to timely prosecute,

And petitioner, pro se, having moved to reinstate the aforesaid proceeding,

Now, upon reading and filing the papers with respect to said motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT - Hon: David Friedman, Justice Presiding,  
Rolando T. Acosta  
Karla Moskowitz  
Rosalyn H. Richter  
Barbara R. Kapnick, Justices.

-----X

In the Matter of the Application of  
Mary Ann Velazquez,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-1753  
Index No. 400507/13

New York City Housing Authority,  
Respondent-Respondent.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 15, 2015,

And an order of this Court entered March 31, 2015 (M-789) inter alia, granting leave to prosecute the appeal as a poor person, and staying a warrant of eviction with certain conditions, and on condition that the appeal is perfected for the September 2015 Term, and related relief,

And respondent-respondent having moved for an order vacating the aforesaid conditional stay,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and the stay is vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X

Amy Wilensky,  
Plaintiff-Appellant,

-against-

M-2577  
Index No. 309228/10

Ben Hohn,  
Defendant-Respondent.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about March 19, 2014 and April 2, 2014, respectively, and said appeals having been perfected,

And defendant-respondent having moved for an order directing plaintiff to perfect her appeal from an order of the Supreme Court, New York County, entered on or about December 24, 2014, for the September 2015 Term and to consolidate same with the aforesaid appeals for said September 2015 Term,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the perfected appeal is adjourned, sua sponte, to the October 2015 Term. The Clerk of the Court is directed to place the perfected appeals on the calendar for the same day in the October 2015 Term, and the motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Rosalyn H. Richter  
Judith J. Gische, Justices.

-----X

Georgette D. W.,  
Petitioner-Respondent,

-against-

Gary N. R.,  
Respondent-Appellant.

-----X

**CONFIDENTIAL**

M-1900

Docket No. F-1422-13/13A

Respondent-appellant having moved for an enlargement of time to perfect the appeal from the order of the Family Court, Bronx County, entered on or about July 25, 2014 and for an extension of a stay of proceedings granted by an order of a Justice of this Court on September 8, 2014,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the September 2015 Term and continuing the aforesaid interim relief granted by a Justice of this Court on September 8, 2014, on condition the appeal is perfected on or before July 13, 2015 for the September 2015 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT - Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-1750  
Ind. No. 11953/95

Juan Brito, also known as  
Angel Rivera Diaz,  
Defendant-Appellant.

-----X

Assigned counsel having moved for an order dismissing defendant's appeal from the order of the Supreme Court, New York County, entered on or about July 26, 2013, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of this Court,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT: Hon. David Friedman, Justice Presiding,  
David B. Saxe  
Sallie Manzanet-Daniels  
Paul G. Feinman  
Judith J. Gische, Justices.

-----X  
James River Multi-Strategy Fund,  
L.P., James River Multi-Strategy Fund,  
Ltd.,  
Plaintiffs-Appellants,

-against-

M-1810  
Index No. 601987/09

Motherrock, L.P., et al.,  
Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 10, 2014 (mot. seq. no. 004),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the January 2016 Term.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York, on June 23, 2015.

PRESENT: Hon: Richard T. Andrias, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

Brian Deale,  
Defendant-Appellant.

M-1825  
Ind. Nos. 4791/13  
2338/14

-----X

An order of this Court having been entered on February 26, 2015 (M-331), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 13, 2014, under Indictment No. 4791/13, and assigning counsel therefor,

And defendant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 2338/14,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order of this Court to include Indictment No. 2338/14, and extending the poor person relief previously granted to cover same.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 23, 2015.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X  
The People of the State of New York,  
Respondent,

-against-

M-1792  
Ind. No. 622/13

Alvin Morgan,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 25, 2013, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files reproduced copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 120 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2015.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Judith J. Gische  
Barbara R. Kapnick, Justices.

-----X

Nissan Mizrahi,  
Plaintiff-Appellant,

-against-

M-1665  
Index No. 601291/10

Gregory R. Hovas, et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about January 29, 2015 (mot. seq. no. 002),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:

  
CLERK